

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Veli-Matti JUUTI <i>et al.</i>	Confirmation No.: 6626
Application No.: 09/914,953	Group Art Unit: 2617
Filed: October 24, 2001	Examiner: Daniel Jr, Willie J

For: CAMPING IN AN EXCLUSIVE CELL

Commissioner for Patents  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Dear Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed July 23, 2010.

**I. STATUS OF THE CLAIMS**

Claims 22-38 are pending in this appeal, of which claims 1-21 have been canceled. No claim is allowed. This appeal is therefore taken from the final rejection of claims 22-38 on July 1, 2009.

**II. GROUND OF REJECTION TO BE REVIEWED**

Claim 38 was rejected for relying on an inadequate written description under the first paragraph of 35 U.S.C § 112.

Claims 22-27 and 29-38 were rejected for obviousness under 35 U.S.C. § 103(a) based on *Salmela et al.* (WO 98/30056) in view of *Nordstrand* (US 6,334,052) and *Seppanen et al.* (US 5,903,832).

Claim 28 was rejected for obviousness under 35 U.S.C. § 103(a) based on *Salmela et al.* (WO 98/30056) in view of *Nordstrand* (US 6,334,052), *Seppanen et al.* (US 5,903,832), and *Rune* (US 6,212,390).

### III. ARGUMENT

Initially, Appellants maintain and incorporate herein the arguments advanced in the Appeal Brief filed April 28, 2010. The arguments presented *infra* address certain new assertions presented by the Examiner in the Answer.

At pages 23-27 of the Answer, the Examiner purportedly is making an argument responsive to Appellants' argument that there is, indeed, an adequate written description under the first paragraph of 35 U.S.C § 112, for "other than the location areas and the exclusive location areas" recited in claim 38. However, the Examiner's references to paragraphs [0004, lines 19-21], [0005, lines 1-7], [0006], [0008], [0011-0012], and [0025], at pages 23-24 of the Answer are not understood, as the Examiner does not explain what point is being made here.

As explained at page 15 of the Principal Brief, Appellants rely on paragraph [0024] of the specification, wherein it is explained that the exclusive and non-exclusive access cells of one location service area have different location areas within the one location service area, **but the exclusive access cells of that one location service area may belong to different exclusive location areas**. Therefore, these exclusive (special service) cells are grouped to form a localized service area, "which is other than the location areas and the exclusive location areas."

At page 26 of the Answer, the Examiner questions how a localized service area is different from a location service area since both appear to have overlapping description and share the same abbreviation LSA. The answer, of course, as pointed out at pages 20-21 of the Principal Brief, is that these terms are synonymous. However, Appellants dispute the Examiner's assertion that this contradicts Appellants' argument, at page 16 of the Principal Brief, that "a 'localized service area' refers to the service area to which the exclusive access cells belong and that this 'localized service area' is different from the 'one location service area' and is also different from the 'exclusive location areas' within the one location area."

Merely because the terms "localized service area" and "location service area" are used interchangeably to mean the same thing, this does not necessarily imply that a particular localized service area (or location service area) cannot differ from another, one location service area, or exclusive location areas within the one location area. The term "street" may be synonymous with the term "road" but this does not necessarily mean that the use of these terms refer to the exact same location.

Clearly, within the disclosure of the present invention, the exclusive and non-exclusive access cells of one location service area have different location areas within the one location service area. However, the exclusive access cells **of that one location service area may belong to different exclusive location areas**. Thus, those exclusive, or special service, cells are grouped to form **a localized service area**, but the localized service area that the exclusive cells form is **not** the previously recited "location areas" and it is **not** the previously recited "exclusive location area." Therefore, the exclusive cells are grouped to form a localized service area, **"which is other than the location areas and the exclusive location areas,"** as claimed.

Accordingly, there is clear support, at paragraph [0024] of the specification, for example, for the claimed feature of “other than the location areas and the exclusive location areas,” in claim 38; therefore, the Honorable Board’s reversal of the Examiner’s rejection of claim 38 under the first paragraph of 35 U.S.C. § 112 is respectfully solicited.

With regard to the prior art rejections, the Examiner asserted, at page 27 of the Answer, that Appellants fail “to interpret and appreciate the combined teachings of the prior art *Salmela* and *Nordstrand* that clearly discloses the claimed feature(s)....” Appellants respectfully disagree.

The Examiner’s interpretation of the references, at pages 27-29 of the Answer, is basically a repeat of the explanation in the Final Office Action and on pages 6-10 of the Answer. The problem with the Examiner’s approach is that the Examiner still appears to base the rationale on based on the flawed premise that a “location area” is the same as, and interchangeable with, a “localized service area.” As explained in the Principal Brief, this is, respectfully, wrong. The Examiner uses LSA1 or cell 1 as an example of an exclusive location area. However, *Salmela et al.* merely teaches that local service area LSA1 comprises cells C1-C3. There is no further disclosure in *Salmela et al.* regarding the properties of these cells. Accordingly, there is absolutely **no basis for the Examiner’s conclusion that the localized service areas in *Salmela et al.* constitute a disclosure or a suggestion that a location area is either an exclusive one or a non-exclusive one.**

At pages 30-31 of the Answer, the Examiner basically repeated the interpretation that the combination of *Salmela et al.* and *Nordstrand* teaches the claimed features, and asserted that Appellants’ arguments include “alternative (optional) language such as *whether*, *or*, *if*, and/or *whether or not*,” with the Examiner ostensibly reading out much of the claim language asserted to

be “alternative.” The language to which the Examiner refers, e.g., in claim 22: “so that a location area **is either** an exclusive location area **or** a non-exclusive location area,” “**if** the new location area is an exclusive location area, using the exclusive service condition of the cell in determining whether or not the subscriber is allowed to camp in the cell,” “**if** the new location area is not an exclusive location area: checking whether or not the subscriber has localized service information,” “**if** the subscriber has the localized service information, using it to determine whether or not the subscriber is allowed to camp in the cell; and **if** the subscriber has no localized service information, allowing the subscriber to camp in the cell,” is not alternative in nature but, rather, is a description of conditional steps whereby “**if**” something is true, **then** a certain step is taken. These are acceptable conditional steps/elements to be recited in the method, system, and network element claims of the present application in order to describe different paths or occurrences based on the truth of a previous step.

If anything, the claimed features reciting conditional steps should not be read out of the claims as being “alternative” but, rather, these recitations make the claims even more distinguishable over the applied references because the applied references do not recite all of the “if-then” features of the claimed inventions for the reasons previously argued at pages 18-20 of the Principal Brief.

At pages 32-33 of the Answer, the Examiner asserted that Appellants are attacking the applied references individually, rather than as a combination. Appellants respectfully disagree.

While Appellants address the shortcomings of each reference, e.g., *Salmela et al.* does not disclose or suggest that a location area is either an exclusive one or a non-exclusive one, and that Nordstrand does not cure this deficiency, the argument is still directed to the “combination.” If neither of the applied references teaches or even suggests a claim feature, then the “combination”

of references is improper under 35 U.S.C. § 103(a). If anything, it is the Examiner, not Appellants, who is arguing the references individually, rather than what the “combination” of those references” teach. For example, at page 32 of the Answer, the Examiner takes Appellants’ acknowledgement that *Seppanen et al.* suggests searching for a suitable **network** and, if not found, the mobile terminal enters a limited service state, and combines this with individual teachings of the other applied references without acknowledging Appellants’ assertion that the combination is improper at least because **a suitable network is different than a suitable cell** and that, therefore, *Seppanen et al.* fails to fill in the gaps of the other references since it fails to teach or suggest that when a suitable **cell** is not found, the mobile terminal enters the limited service state. The Examiner cites portions of *Seppanen et al.* relating to “cellular radiotelephone” and “cellular network” but does not, and cannot, point to anything within *Seppanen et al.* indicative of searching for a suitable **cell** and, if not found, the mobile terminal enters a limited service state. To the extent the Examiner is relying on a cellular network to teach searching for a suitable “cell,” searching for one cell within a network is much different than searching for the network itself.

**IV. CONCLUSION AND PRAYER FOR RELIEF**

Appellants, therefore, request the Honorable Board to reverse each of the Examiner's rejections.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

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